IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

**Bail Appl..No. 2338 of 2007()**

CRIME NO.19/2007 OF EXCISE RANGE, HOSDURG
CMP.785/2007 of J.M.F.C.-II,HOSDRUG

PETITIONER/ACCUSED
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P.U.THAMBAN NAIR,
S/O.T.P.KUNHIRAMAN NAIR,
VENGACHERI DESOM, THAYANNUR VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT: COMPLAINANT
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STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING, EXCISE INSPECTOR,
HOSDURG RANGE.

BY PUBLIC PROSECUTOR SRI.FIROZ.K.M.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.T. SANKARAN, J.**

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**B.A. NO. 2338 OF 2007**

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**Dated this the 17th day of April, 2007**

**O R D E R**

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No.19 of 2007, Excise Range, Hosdurg. The offence alleged against him is under Section 55(a) of the Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial Magistrate of the First Class - II, Hosdurg, but the same was dismissed by the order dated 2.4.2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned counsel for the petitioner that the petitioner is under detention since 27.3.2007. The prosecution case is that the petitioner was found in

possession of five litres of arrack.

Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class - II, Hosdurg.

**(K.T.SANKARAN)**
**Judge**

ahz/